

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re

TIMOTHY DOUGLAS HAYES,
Debtor.

Case No. 16-bk-11983-REF

Chapter Number: 7

315 BOWERY HOLDINGS, LLC and
CBGB FESTIVAL, LLC

Plaintiffs,

v.

TIMOTHY HAYES,
Defendant.

Adversary No. 16-186

JOINT STATUS REPORT

Pursuant to the Court's December 23, 2016 Order in this Adversary Proceeding (Adv. Dkt. No. 33), by which the Court stayed the Nondischargeability Action pending a final determination and judgment in the New York state court action *SW Productions, Inc. v. CBGB Festival, LLC*, No. 652990/2014 (Sup. Ct. N.Y. County 2014) (the "New York Action"), Plaintiffs 315 Bowery Holdings, LLC and CBGB Festival, LLC (together, "CBGB"), and Debtor Defendant Timothy Douglas Hayes, through their undersigned counsel, hereby submit this Joint Status Report outlining the status of the New York Action since the Court's December 2016 Order.

1. On April 5, 2017, counsel of record for 315 Bowery Holdings, LLC and CBGB Festival LLC; Stuart Weissman and SW Productions Inc. ("SWP"); and Numbers and Figures, Inc., Productions New York City, LLC and Jennifer Douglas appeared for a preliminary conference before the Honorable Justice K. Oing in the New York Action. Hayes did not attend the preliminary conference, and has not yet appeared through counsel or otherwise in the New York Action.

2. At the preliminary conference the court entered a Preliminary Conference Order setting forth certain dates governing discovery in the New York Action (“The Preliminary Conference Order”). The Preliminary Conference Order set an end date for all disclosure for September 15, 2017.

3. The represented Parties are presently working towards completing document discovery and scheduling depositions in accordance with the deadlines set forth in the Preliminary Conference Order. The deposition of Stuart Weissman has been scheduled for June 13, 2017. Certain non-party subpoenas have been issued, and a production of documents from at least one such non-party has been received.

4. On April 20, 2017, 315 Bowery Holdings, LLC and CBGB Festival LLC re-filed its Second Amended Answer, the pleading that sets forth the amended third-party complaint, *inter alia*, against Hayes and others (the “Third-Party Complaint”). The Third-Party Complaint, as re-filed, was served on Hayes on April 24, 2017.

Respectfully Submitted: May 1, 2017

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